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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,317	12/19/2000	Simon G. Thompson	36-1533	2567
23117 7590 07/03/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
			EXAMINER NAHAR, QAMRUN	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/739,317	THOMPSON ET AL.	
	Examiner	Art Unit	
	Qamrun Nahar	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/28/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in response to the amendment filed on 03/28/2007.
2. The rejection under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter to claims 12-14 and 17-20 is withdrawn in view of applicant's remarks/arguments.
3. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over S. Jablonski, "On the Complementarity of Workflow Management and Business Process Modeling", 1995 (hereinafter "Jablonski") in view of Schmidt, et al. "Extending Aspect-Oriented Programming in order to Flexibly Support Workflows", 1998 (Art of Record submitted in the concurrently filed IDS, hereinafter "Schmidt").

Per Claim 1:

Jablonski teaches storing at least one generic process plan ("The first step is mandatory ... obtain a valid *workflow specification*." on pg. 36, 2nd column, par. 6 to pg. 37, 1st column, par. 1); storing at least one non-generic process element containing a predetermined pattern

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(“Functional Perspective ... *activities*” on pg. 37, 1st column, par. 4). Jablonski does not explicitly teach searching said at least one generic process plan for the predetermined pattern contained by at least one non-generic process element, on detection of the predetermined pattern, inserting content from said at least one non-generic process element into the generic process plan to generate a process plan, and outputting the generated process plan, wherein instructions for the insertion of said content in said step of inserting content are coded into said at least one non-generic process element.

Schmidt teaches searching said at least one generic process plan for the predetermined pattern contained by at least one non-generic process element, on detection of the predetermined pattern, inserting content from said at least one non-generic process element into the generic process plan to generate a process plan, and outputting the generated process plan, wherein instructions for the insertion of said content in said step of inserting content are coded into said at least one non-generic process element (“... The different workflow-aspects from the workflow model are implemented as components which contain introspection and specialization mechanisms, allowing them to be used with a component weaver. Not all aspects have to be implemented from scratch, because generic workflow functionality may also be introduced by adding pre-fabricated components. They may be selected from a component repository or even a component market, using the specification of the workflow model. The aspect-specific components are put into the component-weaver, which combines them into a component-based workflow application. ...” in pg. 5, par. 1, lines 1-11; and see Figure 3).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Jablonski to include searching said at

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least one generic process plan for the predetermined pattern contained by at least one non-generic process element, on detection of the predetermined pattern, inserting content from said at least one non-generic process element into the generic process plan to generate a process plan, and outputting the generated process plan, wherein instructions for the insertion of said content in said step of inserting content are coded into said at least one non-generic process element using the teaching of Schmidt. The modification would be obvious because one of ordinary skill in the art would be motivated to replace components in the implementation without running through the whole edit-compile cycle (Schmidt, on pg. 5, par. 1, lines 8-10).

Per Claim 2:

The rejection of claim 1 is incorporated, and Jablonski further teaches the steps of receiving for storage at least one generic process plan and receiving for storage at least one non-generic process element (on pg. 36, 2nd column, par. 6 to pg. 37, 1st column, par. 1; and on pg. 37, 1st column, par. 4).

Per Claim 3:

The rejection of claim 1 is incorporated, and Jablonski further teaches each stored generic process plan is indexed in accordance with a goal to be achieved by the plan, receiving a goal input, and selecting a generic process plan for searching, said selection being in accordance with the received goal input (on pg. 34, 2nd column, par. 1, lines 13-18).

Per Claim 4:

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The rejection of claim 1 is incorporated, and Jablonski further teaches at least one non-generic process element comprises resource information, identifying one or more resources to support a process step in a generated process plan (on pg. 37, 1st column, par. 6, lines 1-13).

Per Claim 5:

The rejection of claim 4 is incorporated, and Jablonski further teaches each stored non-generic process element comprising resource information is indexed in accordance with one or more relevant resources (on pg. 37, 1st column, par. 6, lines 1-13).

Per Claim 6:

The rejection of claim 1 is incorporated, and Schmidt further teaches wherein content of at least one inserted process element comprises data (“... Pre-fabricated Components” on pg. 5, par. 1, lines 1-11).

Per Claim 7:

The rejection of claim 1 is incorporated, and Jablonski further teaches at least one non-generic process element comprises context specific method steps or data and is indexed for storage according to a relevant context (“Functional Perspective ... *activities*” on pg. 37, 1st column, par. 4).

Per Claim 8:

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The rejection of claim 7 is incorporated, and Jablonski further teaches the context for at least one non-generic process element is service type (“Functional Perspective ... *activities*” on pg. 37, 1st column, par. 4).

Per Claim 9:

The rejection of claim 7 is incorporated, and Jablonski further teaches the context for at least one non-generic process element is customer type (on pg. 37, 1st column, par. 6, lines 1-13).

Per Claim 10:

The rejection of claim 1 is incorporated, and Schmidt further teaches selecting an item of content from two or more alternative items of content, said two or more alternative items of content being identified from said coded instructions provided by said at least one non-generic process element, and inserting the selected content into the generic process plan in generating a process plan (pg. 5, par. 1, lines 1-11).

Per Claim 11:

The rejection of claim 10 is incorporated, and Schmidt further teaches wherein the selection is domain specific (pg. 5, par. 1, lines 4-11).

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Per Claim 12:

This is an apparatus version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above.

Thus, accordingly, this claim is also obvious.

Per Claims 13-14:

These are apparatus versions of the claimed method discussed above (claims 1, 10 and 11), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 15:

The rejection of claim 1 is incorporated, and Schmidt further teaches wherein said content inserted from said at least one non-generic process element introduces a new process step into the generic process plan (pg. 5, par. 1, lines 8-11).

Per Claim 16:

The rejection of claim 1 is incorporated, and Schmidt further teaches wherein said content inserted from said at least one non-generic process element advises an existing step of the generic process plan (pg. 5, par. 1, lines 8-11).

Per Claims 17-18:

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These are apparatus versions of the claimed method discussed above (claims 15-16, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claims 19-20:

These are apparatus versions of the claimed method discussed above (claims 15-16, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

In the remarks, the applicant argues that:

a) Jablonski merely disclose activities that are nested structures (i.e., activities are composed of sub-activities). For example, Fig. 4 of Jablonski merely discloses that "travel claim processing" is a composite activity composed of three sub-activities: "submit travel claim", "approve travel claim" and "reimburse client." These sub-activities are elementary, i.e., they are not refined further. Pages 36-37 of Jablonski therefore fail to teach or suggest storing a generic process plan and a non-generic process element containing a predetermined pattern as alleged by the Office Action. Rather, pages 36-37 merely disclose a type of activity having a nested structure, and thus being composed of sub-activities.

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Examiner's response:

a) Examiner strongly disagrees with applicant's assertion that Jablonski fails to disclose the claimed limitations recited in claims 1, 12, and 13. Jablonski clearly shows each and every limitation in claims 1, 12, and 13.

Jablonski teaches storing at least one generic process plan ("The first step is mandatory ... obtain a valid **workflow specification**." on pg. 36, 2nd column, par. 6 to pg. 37, 1st column, par. 1; Workflow specification is interpreted as generic process plan.); storing at least one non-generic process element containing a predetermined pattern ("Functional Perspective ... **activities**" on pg. 37, 1st column, par. 4; Activities are interpreted as non-generic process element; they define the business process aspects of the generic process plan.).

In addition, see the rejection above in paragraph 5 for rejection to claims 1, 12, and 13.

Conclusion

7. The Examiner suggests the applicant to amend claims 1, 12 and 13 to include recitations such as "process aspects" and "generic process pattern" as described on pg. 7, par. 4 to pg. 8, par. 3 of the instant application.

8. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QN
June 22, 2007



MARY STEELMAN
PRIMARY EXAMINER